

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHARLES WILLIAMS,	x	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION
	:	FILE NO. 5:11-cv-00445-MTT
GEORGIA PUBLIC SAFETY	:	
TRAINING CENTER,	:	
	:	
Defendant.	:	
_____	x	

PLAINTIFF’S MOTION *IN LIMINE*

Plaintiff Charles Williams, by his counsel of record, Robert N. Marx, of Marx & Marx, L.L.C., moves this Court for an Order precluding the Defendant from referring to Plaintiff’s discharge, from disclosing to the jury that the Plaintiff was discharged by the Defendant on or about June 14, 2012, or from disclosing the alleged reasons underlying such discharge. Plaintiff moves this Court that it order the parties to refer only to Plaintiff’s “separation” from Defendant on or about June 14, 2012.

Statement of the Facts

Defendant, Georgia Public Safety Training Center, fired Plaintiff, Charles Williams, on or about June 14, 2012, based on baseless and trumped-up allegations

of alleged misconduct by Mr. Williams. The Complaint in this matter has not been amended to challenge that adverse employment action.

Argument and Citation of Authority

This case involves a denial of a promotion in or about September 2010. It does not involve a termination that occurred nearly two years later. Plaintiff will be unduly prejudiced if Defendant is allowed to argue to the jury that it fired Mr. Williams for alleged misconduct in June 2012. Clearly, whether or not Mr. Williams engaged in misconduct in June 2012 is irrelevant to whether the denial of his promotion two years earlier was based on his race. Reference to Mr. Williams as having been discharged will inevitably require the parties to tell the jury why he was discharged, and that effectively will involve this Court in a whole new trial over whether or not Defendant's discharge of Mr. Williams was legal and proper.

In order to avoid embroiling this Court in satellite litigation, and to avoid any prejudice to the Plaintiff resulting from an unexplained communication that Mr. Williams was discharged in June 2012, the parties should be directed to refer only to Plaintiff as having been "separated" from the Defendant on or about June 14, 2012. As this Court is aware, employees can be separated from employment for a variety of neutral reasons, such as retirement and layoff. It is respectfully submitted that the Court should advise the jury that Mr. Williams was separated

from the Defendant on or about June 14, 2012, for reasons not involved in this case and that do not concern the jury.

CONCLUSION

THIS MOTION *IN LIMINE* SHOULD BE GRANTED.

Respectfully submitted this 27th day of January 2014.

s/Robert N. Marx
Georgia Bar Number 475280
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHARLES WILLIAMS,	x	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION
	:	FILE NO. 5:11-cv-00455-MTT
GEORGIA PUBLIC SAFETY	:	
TRAINING CENTER,	:	
	:	
Defendant.	:	
_____	x	

CERTIFICATE OF SERVICE

This is to certify that on January 27, 2014, I electronically filed: **Plaintiff's Motion in *Limine***, with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

Bryan K. Webb, Esq.
Georgia Department of Law
40 Capitol Square, S.W
Atlanta, GA. 30334-1300

Respectfully submitted, this 27th day of January 2014.

s/Robert N. Marx
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